

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

KEITH LEERAY KINCADE,  
Plaintiff,

v.

MARTIN O'MALLEY, Commissioner of  
Social Security,  
Defendant.

No. 2:24-cv-01508 SCR

ORDER GRANTING IFP AND SETTING  
BRIEFING SCHEDULE

Plaintiff has requested permission under 28 U.S.C. § 1915 to proceed in forma pauperis. Plaintiff has submitted the affidavit required by § 1915(a) showing that plaintiff is unable to prepay fees and costs or give security for them. Accordingly, the request to proceed in forma pauperis will be granted.

In accordance with the above, IT IS HEREBY ORDERED that:

1. Plaintiff's application to proceed in forma pauperis (ECF No. 2) is granted.
2. In keeping with the court's e-service procedure for Social Security cases service on the defendant Commissioner of Social Security Administration shall proceed under the court's E-Service program as follows. Once a summons is issued, the Clerk of Court shall deliver to the Commissioner of Social Security Administration and the United States Attorney's Office at their designated email addresses a notice of electronic filing of the action along with the summons and

1 complaint. The Commissioner has agreed not to raise a defense of insufficient service of process  
2 if provided with notice of a complaint as detailed in this order. This order is not intended to  
3 prevent parties from making any other motions that are appropriate under the Federal Rules of  
4 Civil Procedure.

5 3. The parties have consented to the assignment of this matter to a United States  
6 Magistrate Judge for all purposes.

7 4. On July 24, 2024, the Commissioner filed the administrative record (ECF No. 7) which  
8 shall be treated as an answer to the complaint.

9 5. The parties shall follow the deadlines and procedures in Local Rule 261, as modified  
10 here in light of the fact that the Commissioner has already filed the administrative record:

11 a) Plaintiff's motion for summary judgment is due within **30 days** of this order.

12 b) The Commissioner's opposition or cross-motion for summary judgment is due within  
13 **45 days** after service of Plaintiff's motion.

14 c) Plaintiff's optional reply brief and opposition to the Commissioner's cross-motion is  
15 due within **15 days** after the filing of the Commissioner's cross-motion.

16 d) The Commissioner's optional cross-motion reply is due within 15 days after Plaintiff's  
17 opposition to the cross-motion.

18 6. Requests for modification of this order shall comply with Fed. R. Civ. P. 6(b)(1) and  
19 shall not be noticed for hearing. See also Local Rule 144.

20 DATED: August 26, 2024

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23 SEAN C. RIORDAN  
24 UNITED STATES MAGISTRATE JUDGE  
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